IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

C O M M O N – J U D G M E N T

(1) S.B. CRIMINAL REVISION PETITION NO. 173/2005
PAPPU Vs. STATE OF RAJASTHAN

(2) S.B. CRIMINAL REVISION PETITION NO. 172/2005
FAZROO Vs. STATE OF RAJASTHAN

(3) S.B. CRIMINAL REVISION PETITION NO. 177/2005
JAIKAM Vs. STATE OF RAJASTHAN

(4) S.B. CRIMINAL REVISION PETITION NO. 178/2005
ISAB Vs. STATE OF RAJASTHAN

(5) S.B. CRIMINAL REVISION PETITION NO. 179/2005
AZAD Vs. STATE OF RAJASTHAN

(6) S.B. CRIMINAL REVISION PETITION NO. 180/2005
CHUTMAL Vs. STATE OF RAJASTHAN
&
(7) S.B. CRIMINAL REVISION PETITION NO. 181/2005
HARIRAM Vs. STATE OF RAJASTHAN

DATE: 17.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajesh Sharma for the petitioners.
Mr. Ashwani Kumar Sharma, PP for the State.

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Since all the revision petitions are arising out of the same judgments, therefore, they are being decided by this common judgment.

The facts of the case of petitioner Pappu are taken as leading case. The present revision petition is directed against the judgment dated 31.01.2005 passed by

the Additional Sessions Judge No.1, Alwar and the judgment dated 14.11.2003 passed by the Court of Additional Collector(Second), Alwar. Vide judgment dated 31.01.2005, the appeal filed on behalf of the revision petitioner for releasing the diesel confiscated by the Additional Collector, Alwar on 'Supurdaginama' has been dismissed and the judgment passed by the Additional Collector, Alwar dated 14.11.2003 has been upheld by the Additional Sessions Judge No.1, Alwar.

Learned counsel for the petitioner submits that the petitioner being a cultivator has purchased the diesel from Haryana and is utilizing for the agriculture use. He referred the Notification dated November 02, 1994, whereby the petitioner can possess 2,500 liter diesel. He also placed reliance on the judgment rendered by this Court in the case of ***Deen Dayal Vs. State of Rajasthan, reported in 2003(1) Cr.L.R.(Raj.) 46,*** wherein dealing the case under the Essential Commodities Act, Section 6-A, Liquefied Petroleum Gas cylinders have been released on 'Supurdaginama'.

It is also stated that the Collector & District Magistrate, Alwar vide its order dated 20.12.2001 ordered to release 440 litres diesel in favour of the petitioner on 'Supurdaginama' if the petitioner deposits Rs. 10,000/- with surety.

It is not disputed that the case under the Essential Commodities Act is still pending and 3080 litres diesel has been recovered and confiscated.

Having gone through the judgment passed by the Additional Collector, Alwar and the reasons stated by the Additional Collector for confiscating the diesel and the same was upheld by the Additional Sessions Judge No.1, Alwar and looking to the facts and circumstances of the case that the case under Section 3/7 of the Essential Commodities Act is still pending and till the disposal of the case pending under Section 3/7 of the Essential Commodities Act, seized diesel cannot be given on 'Supurdaginama' to the petitioner as the petitioner is not having a valid license to acquire the diesel.

Thus, I find no illegality in the impugned judgments passed by the Additional Collector, Alwar as well as by the Additional Sessions Judge No.1, Alwar at this stage after perusal of the Sections 6 and 7 of the Essential Commodities Act, 1955.

consequently, all the revision petitions fail and the same are hereby dismissed.

(K.S. RATHORE),J.

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